

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte BAS ORDING, STEVEN P. JOBS
and DONALD J. LINDSAY

Application No. 09/467,074

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that Examiner's Answer mailed February 9, 2005 followed the format set forth in 37 CFR § 1.192(c). However, 37 CFR § 1.192 was abolished on September 13, 2004, and replaced by 37 CFR § 41.37(c). Accordingly, the Examiner's Answer of February 9, 2005 does not comply with 37 CFR § 41.37(c).

An Examiner's Answer that is in compliance with 37 CFR § 41.37(c) is required.

An Information Disclosure Statement (IDS) was filed January 26, 2005. It is not apparent from the record that the examiner properly considered the IDS submitted nor notified appellants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly it is

ORDERED that the application is returned to the Examiner to:

- 1) issue a new Examiner's Answer in compliance with the new rules,
- 2) consider the January 26, 2005 IDS,
- 3) provide written notification to appellant regarding the result of the examiner's consideration, and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/eld

Buchanan Ingersoll, PC
(Including Burns, Doane, Swecker & Mathis)
Post Office Box 1404
Alexandria, VA 22313-1404